IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15077 of 2004

Between:

1 Sidda Nuka Raju S/o. Sri Rayudu
R/o. Door No. 14-76, Biccavolu Village, Biccavolu Mandalam, East Godavari District.
2 Turubilli Ramana S/o. Sri Tata Rao
R/o. Door No.2-80, Biccavolu Village, Biccavolu Mandalam, East Godavari District.
3 Gummalla Sai S/o. Sri Appa Rao
D.No. 14-73, Biccavolu Village Biccavolu Mandalam, E.G.District.
4 Potapudi Appa Rao, S/o. Sri Sattayya
13-225, , Biccavolu Village Biccavolu Mandalam, E.G.District.
5 Bulipa Simhachalam S/o. Late Sri Sooraiah
D.No.2-81,, Biccavolu Village Biccavolu Mandalam, E.G.District.
6 Katturi Rajayya S/o. Sri Venkanna
13-26, , Biccavolu Village Biccavolu Mandalam, E.G.District.
7 Turubilli Tatayya S/o. Sri Gundayya
14-1, , Biccavolu Village Biccavolu Mandalam, E.G.District.

..... PETITIONERS

AND

1 The State of A.P., rep. by the District Collector, East Godavari Dist, Collectorate Compound,
Kakinada-4, E.G.District.
2 The Sub Collector, Rajahmundry Sub-Division,
Sub Collector's Rajahmundry-E.G.District.
3 The Mandal Revenue Officer, Biccavolu Revenue Mandal,
Biccavolu, E.G.District.
4 Sri Kuchimanchi Soma Sundaram, S/o. Late Sri Chittam Raju Garu, Jaggampeta Mandal, East Godavari District.

5 The Secretary, A.P. Bhoodana Yogna Board, Gandhi Bhavan, Hyderabad.

6 Smt. Gunnam Subba Lakshmi W/o. Sri Lakshminarayana, Inamdarini, Bendapudi Village, Bendapudi Mandalam, East Godavari district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ, order or Direction more particularly one in the nature of Writ of Mandamus, declaring the impugned action of the respondents 1 to 5 in attempting to grant pattas to third parties with respect to the lands belonging to the petitioners received from A.P. Bhoodan Yagna Board without conducting any enquiry in pursuance of show cause notices dt. 02. 06.2004 issued by 5th respondent received by us on 26.2.2004 and reply made by us on 03.07.2004 as illegal, arbitrary, capricious and without jurisdiction, besides being violative of even the principles of natural justice and violative of Art. 14 of Constitution of India and opposed to law.

Counsel for the Petitioners: MR.ERANKI.PHANI KUMAR

Counsel for the Respondent Nos. 1to3: GP FOR REVENUE

Counsel for the Respondent No.5: C. Ravindranath, S.C for A.P. Bhoodan Yagna Board.

The Court made the following ORDER:

The contents of the show cause notice are not in vague. Since the petitioners were informed through the show cause notice stating that the land, which was assigned to them under the provisions of the A.P.Bhoodan and Gramdan Act, 1965 (for short 'the Act') was neither taken possession by the petitioners, nor cultivating the lands and they are also not residents of the village and thereupon issued show cause as to why the lands assigned to them cannot be cancelled and assigned to the other eligible persons. The petitioners submitted an explanation to the said show cause notice.

It is well settled that no writ petition can be entertained against a show cause notice unless it was issued without jurisdiction.

The petitioners filed the present writ petition even though no order was passed cancelling the assignments made in their favour.

In these circumstances, as and when any order is passed cancelling the assignment made in favour of the petitioners, they can avail the remedies available to them under the Act.

The writ petition is accordingly dismissed. No order as to costs.

_____

A.Gopal Reddy, J

Date: 25.08.2004

va

To

1 The District Collector, East Godavari Dist,

Collectorate Compound,
Kakinada-4, E.G.District.
2 The Sub Collector, Rajahmundry Sub-Division,
Sub Collector's Rajahmundry-E.G.District.
3 The Mandal Reenue Officer, Biccavolu Revenue Mandal,
Biccavolu, E.G.District.
4 The Secretary, A.P. Bhooda Yogna Board, Gandhi Bhavan,
Hyderabad.
5 Two CCs to G.P. for Revenue, High Court of A.P. Buildings, Hyderabad (OUT)

6 Two CD copies